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**FEB 27 2008**

**OFFICE OF PETITIONS**

In re Application of  
Kenneth B. Moore et al.  
Application No. 09/576,359  
Filed: May 22, 2000  
Attorney Docket No. REAL2006005(RN49)

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: **DECISION GRANTING PETITION**  
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This is a decision on the petition filed October 18, 2007 under 37 CFR 1.137 (b) to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file a proper appeal brief within the time period provided in 37 CFR 1.192(a). A Notice of Appeal was filed May 24, 2006. On August 16, 2006, an appeal brief was filed with a one month extension of time. On August 31, 2006, a Notification of Non-Compliance with 37 CFR 1.192 (c) was mailed. In response, a Supplemental Appeal Brief was filed September 28, 2006. On October 4, 2006 a second Notification of Non-Compliance with 37 CFR 1.192 (c) was mailed and in response another Appeal Brief was filed on October 26, 2006. A third Notification of Non-Compliance with 37 CFR 1.192 (c) was mailed on February 9, 2007. No response having been filed, this application became abandoned March 13, 2007. Accordingly, a Notice of Abandonment was mailed October 3, 2007.

Comes now petitioner with the instant petition to revive and an Appeal Brief under 37 CFR 41.37. The Examiner of record has indicated that the Appeal Brief submitted October 18, 2007 with the instant petition is acceptable.

This application is being forwarded to Technology Center 2173 for review of the Appeal Brief filed October 18, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
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